

# County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 5, 2013

Board of Supervisors GLORIA MOLINA First District

MARK RIDLEY-THOMAS Second District

ZEV YAROSLAVSKY Third District

DON KNABE Fourth District

MICHAEL D. ANTONOVICH Fifth District

To:

Supervisor Mark Ridley-Thomas, Chairman

Supervisor Gloria Molina Supervisor Zev Yaroslavsky Supervisor Don Knabe

Supervisor Michael D. Antonovich

From:

William T Fujioka

Chief Executive Officer

#### SACRAMENTO UPDATE

## **Executive Summary**

This memorandum provides information on the following:

- Joint Legislative Audit Committee. A report on the committee's actions related to audit requests of the Child Protective Services Program and Los Angeles County Measure B Trauma funds.
- Status of County-Sponsored Legislation
  - o County-sponsored AB 246 (Bradford) related to the Brown Act, which would add the Governor to the list of officials whom local governing bodies can meet in closed session with on specified security matters, passed the Senate on June 3, 2013.
- **Status of County-Advocacy Legislation** 
  - o County-supported AB 1054 (Chesbro) related to rates paid by counties for placements at Institutes for Mental Diseases, passed the Senate Health Committee on June 5, 2013.

Status of Legislation of County Interest. A report on three measures of
interest to the County related to: the court settlement agreement on reductions in
authorized hours of services for In-Home Supportive Services recipients, and
training in general financial management principles and laws for local
government officials.

# Joint Legislative Audit Committee Hearing Update

Today, the Joint Legislative Audit Committee approved audit requests for the following items of importance to the County.

Policies and Procedures for Removing Children. The Audit Committee approved, by a vote of 12 to 0, a request by Assembly Members Mike Gatto and Tim Donnelly for a review of the Child Protective Services Program in three counties. The State Auditor will be responsible for selecting the three participating counties. Orange County was previously identified in the audit request and was removed during the hearing at the request of Assembly Member Donnelly.

Specifically, the audit would include a review of the policies and procedures that Child Protective Services (CPS) agencies follow for removing a child from a home, such as the handling of complaints and investigations and process for returning children to their parents. Additionally, the audit would: 1) determine how CPS agencies determine severity of risk to the child, and once determined, what actions they are required to take; 2) determine CPS agencies' and law enforcement's expenditure of State and Federal funds for various actions, including removing children from their homes, to the extent possible; and 3) identify whether best practices exist for determining the protection of children and coordinating with law enforcement, among other factors.

Los Angeles County was not identified in the initial audit request, however, the County could be selected. During the hearing, residents of Los Angeles County, including parents who lost custody of their children, testified in support of the CPS audit. There was no testimony in opposition of the audit. Additionally, during the hearing, the State Auditor referenced the March 2012 report regarding child placements and child fatality reviews, which Los Angeles County was selected for, and the State Auditor indicated that the report included numerous recommendations for implementation.

Attachment I contains the State Auditor's Office analysis of the above request and the request for the audit by Assembly Members Gatto and Donnelly.

• Measure B Trauma Funds. The Audit Committee approved, by a vote of 10 to 0, the request by Assembly Member Roger Hernández to examine the County's allocation and management of voter-approved Measure B funds over the past four years. The Assembly Member requested the audit on the claim that Measure B funds have not been equitably allocated to underserved areas such as the San Gabriel Valley. The audit request is related to his sponsored measure, County-opposed AB 1357, which would have required Measure B trauma care funds collected from properties in the San Gabriel Valley to remain within that region for medical and trauma services to reduce ambulance diversion and establish a task force to study and audit County Measure B funds collected from properties in the San Gabriel Valley. AB 1357 was held in the Assembly Health Committee on April 30, 2013 at the request of the author, and will not proceed this year.

The audit will be conducted by the State Auditor and it is expected to take five to six months to complete. The audit will include, but not be limited to, the following elements: 1) a determination of roles, responsibilities, and entities involved in managing and administering Measure B funds to ensure they are consistent with applicable laws and policies; 2) an assessment of the County's policies and procedures of how it determines the allocation of Measure B funds, how funds are spent and accounted for, how Measure B revenue is projected and how the County prepares its budget and spending plan; 3) a determination of the total amount of funds allocated by area and how much of the funds allocated to underserved areas without trauma centers have been spent; 4) a review of any plans the County may have to mitigate the differences in Measure B funds spent in underserved areas without trauma centers; and, 5) a determination of whether the County analyzes its spending and funding plans and reassesses its past and future funding decisions to ensure funds are equitably allocated to the areas of greatest need.

Attachment II contains the State Auditor's Office analysis of the above request and the audit request letter by Assembly Member Hernández.

## Status of County-Sponsored Legislation

County-sponsored AB 246 (Bradford), which as introduced on February 6, 2013, would amend the Brown Act to add the Governor to the existing list of officials whom local governing bodies can meet in closed session with on specified matters of security,

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passed the Senate by a vote of 32 to 4 on June 3, 2013. This measure now proceeds to the Governor.

## Status of County-Advocacy Legislation

**County-supported AB 1054 (Chesbro),** which as amended on April 11, 2013, would reduce the annual rate increase paid by counties for placements at Institutions of Mental Diseases from 4.7 percent to 3.5 percent effective July 1, 2014, passed the Senate Health Committee by a vote of 9 to 0 on June 5, 2013. This measure now proceeds to the Senate Appropriations Committee.

## **Legislation of County Interest**

On May 30, 2013, the Governor signed SB 67 and SB 68 related to the In-Home Supportive Services (IHSS) court settlement agreement reached on March 19, 2013 between the State and plaintiffs regarding reductions in authorized hours of services for IHSS recipients. The Federal District Court tentatively approved the agreement on April 4, 2013, and the Legislature was asked to enact legislation to effectuate the terms of this agreement.

SB 67 (Budget and Fiscal Review Committee), which as amended on May 7, 2013, takes effect immediately and includes the following: 1) requires the California Department of Social Services (CDSS), from July 1, 2013 to June 30, 2014, to implement an 8 percent reduction in authorized hours of service to IHSS recipients; 2) specifies that the reduction of 8 percent is timed to take effect to avoid a pause between the current 3.6 percent reduction, ending on July 1, 2013, and this reduction, so that recipients will instead be impacted by an additional 4.4 percent reduction effective July 1, 2013; 3) requires CDSS, beginning July 1, 2014, to implement a 7 percent reduction in authorized hours of service to IHSS recipients, which is in place of the 8 percent reduction; and 4) authorizes a county to administratively deny a request for reassessment based only on the above reductions. The State estimates that the 8 percent reduction will save approximately \$176.0 million in State General Fund in FY 2013-14, and the 7 percent reduction will save approximately \$159.0 million in FY 2014-15, among other provisions.

SB 68 (Budget and Fiscal Review Committee), which as amended on May 7, 2013, takes effect immediately, and among other provisions, appropriates \$32.9 million in State General Fund for various departments, including \$505,000 in State General Fund in FY 2012-13 to CDSS to reflect increased costs of providing a notice to recipients in the IHSS Program as a result of court settlement. Specifically, the increased costs

Each Supervisor June 5, 2013 Page 5

result from the requirement on the State to mail recipient notification of an additional 4.4 percent reduction to authorized IHSS service hours.

AB 1235 (Gordon), which as amended on May 24, 2013, would require members of a local agency governing body, members of any local legislative body created by State or Federal statute, and any elected local agency officials to receive training in general financial management principles and laws relevant to his or her public service once per term of office.

Existing law provides for the payment of governing body members for attending meetings and performing other duties. Current law also provides that, if a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by that member, the local agency official must receive two hours of training in general ethics principals and laws relevant to his or her public service every two years.

AB 1235 would further require that local elected officials receive specified financial management training before January 1, 2015, and thereafter, at least once per term of office. This measure would not apply to officials whose term of office ends before January 1, 2015. The bill would also allow a local legislative body to designate local agency employees to undergo the training as well. AB 1235 would require the financial management training to include information on the laws and commonly accepted best practices related to local budgeting, revenue sources, debt instruments; budget monitoring; financial policies; financial and audit reporting requirements; long-term financial planning; cash management; investments; capital financing; debt management; and purchasing and contracting practices. The bill would further provide that any entity which develops these training criteria must first consult with the State Treasurer's office and the State Controller's office regarding the proposed course content.

As introduced on February 22, 2013, AB 1235 would have mandated financial management training to any member of a legislative body for which a local agency provides any type of compensation, salary, or stipend to, or expense reimbursements. This would have applied to the County's elected officials, as well as the 1,611 members that make up the County's 191 commissions, committees, boards, and other local agency bodies. In addition, the bill would have required the training to be a minimum of four hours. The Executive Office of the Board noted that as introduced, AB 1235 would have created a burdensome and costly mandate to provide and track training for hundreds of officials whether they are permanent or temporary, decision-making or advisory, or whether they are directly charged with financial duties.

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This office and the Sacramento advocates expressed these concerns to the author's office. On May 24, 2013, AB 1235 was amended to apply only to members of a local agency legislative body (the governing body), members of any local legislative body created by State or Federal statute, and any elected local agency official. The amendments also deleted the four hour minimum training requirement. The measure is now silent as to the length of time required for the mandated financial management training. County Counsel is currently reviewing government codes and Board orders to determine whether the provisions of AB 1235 would apply to any other County legislative body, such as, commissions or committees.

This measure is similar to AB 1234 (Chapter 700, Statutes of 2005) which, in part, requires local agency officials to receive ethics training.

AB 1235 is opposed by the League of California Cities and Association of California Water Agencies, and supported by the California Special Districts Association.

AB 1235 is currently in the Senate pending assignment to a policy committee.

We will continue to keep you advised.

WTF:RA MR:VE:OR:PC:ma

#### Attachments

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants



### 2013-110 Child Protective Services—Policies and Procedures for Seizing Children

## **ANALYSIS OF AUDIT REQUEST** June 5, 2013

#### Į. **AUDIT REQUEST**

Assemblymembers Gatto and Donnelly are requesting an audit of the policies and procedures Child Protective Services (CPS) agencies in Orange County and two other counties follow when removing children from their homes.

#### **BACKGROUND** II.

California has a system of laws and agencies designed to prevent and respond to child abuse and neglect. The California Department of Social Services, through its Children and Family Services Division, provides system-wide oversight while each county establishes and maintains its own CPS program. County CPS agencies receive and investigate allegations of child abuse or neglect and make decisions regarding the child's welfare, including providing support services to families. In addition, state law allows county CPS agencies or law enforcement to remove a child from the home and take him or her into temporary custody without a warrant when, among other circumstances, there is reasonable cause for believing that the minor has an immediate need for medical care. State law requires a juvenile court to hold a hearing to determine whether a child taken into temporary custody will be further detained.

#### **AUDIT SCOPE AND OBJECTIVES** III.

The audit by the California State Auditor will provide independently developed and verified information related to Child Protective Services (CPS) agencies in Orange County and two other counties, and would include, but not be limited to, the following:

- Review and evaluate the laws, rules, and regulations significant to the audit objectives. 1.
- Determine and assess the policies, procedures, and processes county CPS agencies 2. follow for removing a child, including the following:

916.445.0255

- Handling of complaints and investigations. a)
- b) Evidentiary requirements.
- Oversight structure and decision-making authority. c)
- Process for returning children to their parents. d)

- 3. Determine how county CPS agencies determine the severity of risk to the child, and once determined, what actions they are required to take.
- 4. To the extent possible, determine county CPS agencies' and law enforcement's expenditure of state and federal funds for various actions, including removing children from their homes.
- 5. Identify whether best practices exist for determining the protection of children and coordinating with law enforcement.
- 6. Ascertain the protocols county CPS agencies follow for determining when to use law enforcement, including the removal of children from their homes and identify any procedures CPS agencies use in coordinating with law enforcement when making inperson visits.
- 7. Review and assess any other issues that are significant to CPS agencies' processes for removing children from their homes.

#### IV. OTHER WORK IN THE GENERAL AREA

**2011-101.2** Los Angeles County Department of Children and Family Services: Management Instability Hampered Efforts to Better Protect Children (March 2012)

**2011-101.1** Child Welfare Services: California Can and Must Provide Better Protection and Support for Abused and Neglected Children (October 2011)

#### V. RESOURCE REQUIREMENTS

We estimate that this audit would require approximately 2,236 hours of audit work at a cost of approximately \$239,252 plus travel expenses and the possible costs related to an outside consultant, if necessary. We will conduct this audit using our existing budget authority to the extent funding is available for audits approved by the Joint Legislative Audit Committee.

#### VI. REQUIRED DATE OF COMPLETION

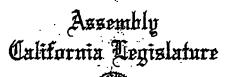
The assemblymembers did not request a completion date for this audit.

Elaine M. Howle

**State Auditor** 

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MIKE GATTO ASSEMBLYMEMBER, FORTY-THIRD DISTRICT COMMITTEES
APPROPRIATIONS
ARTS, ENTERTAINMENT, SPORTS,
TOURISM AND INTERNET MEDIA
BANKING AND FINANCE
GOVERNMENTAL ORGANIZATION
WATER, PARKS AND WILDLIFE

MAY 3 1 2013

2013-110

May 31, 2013

The Honorable Adam Gray Chair Joint Legislative Audit Committee State Capitol, Room 6012 Sacramento, CA 95814

Dear Chairman Gray:

We respectfully request an audit of the Child Protective Services program in 3 counties, including Orange County. This is an updated request to one submitted May 17. Specifically, the audit should include a review of the policies and procedures regarding when a child's circumstances are being evaluated for removal from the home. The audit would be used to determine when it is appropriate to take a child into protective custody and how the determination is made that the risk of harm to the child is so great that it warrants removal, and how various counties interpret state and federal law regarding this matter.

This request stems from decisions made surrounding the health status of children and how to determine when the situation puts them at serious risk of harm, and when a report comes from a treating hospital. Current law requires health professionals to report when there is a suspicion of abuse or neglect - Health professionals are mandated reporters.

- When the agency receives a mandated report from, what is the agency's process for handling such reports. For example, what is the process for determining whether or not an in-person investigation is warranted? When are in-person visits warranted on an emergency basis? What is the related oversight structure to review these decisions?
- When a report of suspected abuse or neglect is received arrives at the agency, what is the
  agency obligated to do to investigate it? how do they determine if it is emergency in nature?
   What are the required timeframes involved?
- What tools are available to the local agency to determine the severity of risk to the child and if removal is necessary?
- What are considered best practices in determining the protection of children?
- What is the basis for determining if the presence of law enforcement is needed? What are the
  procedures for coordinating with law enforcement and conducting the in-person visit with law



enforcement? What represents best practices in determining when and how to coordinate with law enforcement?

What state and federal funding sources are used to fund these program functions?

The removal of a child from the care of his parents is always cause for concern, regardless of the stated reason. This request includes 3 counties, including Orange County, in order to provide a comparison of statewide practices in order to give the Legislature the necessary tools to make any changes in law that are necessary to improve the county system of child protection in a way that protects the rights of children and their families.

Thank you for your consideration of this audit request.

Sincerely,

MIKE GATTO

Assemblyman, Forty-Third District

TIM DONNELLY

Assemblyman, Thirty-Third District



## 2013-116 Los Angeles County Measure B Funds

# ANALYSIS OF AUDIT REQUEST June 5, 2013

#### I. AUDIT REQUEST

Assemblymember Hernández is requesting an audit of how Los Angeles County (Los Angeles) has managed Measure B Funds for 2008 through 2012.

#### II. BACKGROUND

To provide funding for the countywide system of trauma centers, emergency medical services, and bioterrorism response, in 2002 the voters of Los Angeles County approved Measure B, which authorized the county to levy a special tax on structural improvements located within it. The tax was levied commencing with fiscal year 2003–04 at a rate of 3 cents per square foot of such improvements and will remain the same from year to year unless adjusted or reduced to zero by specific action of the county Board of Supervisors and as specified in the measure.

The county's Department of Health Services (health services department) coordinates the countywide system of trauma centers, which consists of both public and privately operated resources, that provide prehospital and hospital trauma care, including care provided in, or en route to, from, or between acute care hospitals, trauma centers, or other health care facilities. Trauma centers are hospitals that maintain specialized equipment and a panel of physician specialists, including a trauma surgeon available 24 hours a day, 7 days a week to treat trauma patients. Bioterrorism response refers to activities undertaken, directly or through contract, or coordinated by, the health services department to address the medical needs of persons exposed to bioterrorist or chemical attack.

The measure requires the auditor-controller of Los Angeles (auditor-controller) to create a new account for the deposit of proceeds from the special tax, and requires the auditor-controller to annually report the amount of funds collected and spent to the county Board of Supervisors.

Assemblymember Hernández is concerned that Measure B funds have not been allocated to, and expended equitably in, underserved areas of Los Angeles.

#### III. AUDIT SCOPE AND OBJECTIVES

The audit by the California State Auditor will provide independently developed and verified information related to Los Angeles County's (Los Angeles) management of Measure B funds over the past four years and will include, but not be limited to, the following:

- Review and evaluate the laws, rules, and regulations significant to the audit objectives.
- 2. Determine the roles, responsibilities, and organizational structure of the entities involved in managing and administering Measure B funds and ensure they are consistent with applicable laws and policies and are effective.
- 3. Review and assess Los Angeles' policies and procedures regarding how it determines the allocation of Measure B funds, how funds are spent, and how funds are accounted for. Determine how the county projects the special tax revenue and prepares its budget or spending plan.
- 4. For the past four years, perform the following:
  - a) Determine the total Measure B funds allocated to medical service providers by area or other relevant allocation factors, such as demographics, as needed. Determine, to the extent possible, how much of the allocations to underserved areas without trauma centers have been spent.
  - b) Review and assess any analyses or justification used by Los Angeles in making decisions on funding allocations. Determine what factors, such as serving underserved areas or expanding services, Los Angeles considers in making its decisions.
  - c) To the extent possible, determine why and how often helicopters and air paramedic services have been used and in what areas, such as in underserved areas without trauma services.
  - d) Determine the total revenues, expenditures, and fund balances for each year and determine the reasons for any significant fluctuations from year-to-year or for significant amounts in fund balances.
- 5. Review any plans Los Angeles may have to mitigate the differences in Measure B funds spent in underserved areas without trauma centers and the rationale for those plans. Determine if those plans include proposals to expand the services funded by Measure B.
- 6. Determine whether Los Angeles analyzes its spending and funding plans and reassesses its past and future funding decisions to ensure it is equitably allocating funds in areas of greatest need and that decisions are consistent with the intent of Measure B.

7. Review and assess any other issues that are significant to Los Angeles' management of Measure B funds.

#### IV. OTHER WORK IN THE GENERAL AREA

2012-104 Southeastern Los Angeles County: Various Reasons Affect the Rates Water Suppliers Charge and the Rate Increases They Have Imposed (January 2013)

**2011-101.2** Los Angeles County Department of Children and Family Services: Management Instability Hampered Efforts to Better Protect Children (March 2012)

**2002-019** Los Angeles County Department of Health Services: Despite Securing Additional Funding and Implementing Some Cost-Cutting Measures, It Still Faces Significant Challenges to Addressing Its Growing Budget Deficit (September 2003)

**2001-119** Los Angeles County Department of Health Services: Current Proposals Will Not Resolve Its Budget Crisis, and Without Significant Additional Revenue It May Be Forced to Limit Services (May 2002)

#### V. RESOURCE REQUIREMENTS

We estimate that this audit would require approximately 2,260 hours of audit work at a cost of approximately \$241,820 plus travel and administrative expenses and the costs related to an outside consultant, if necessary. We will conduct this audit using our existing budget authority to the extent funding is available for audits approved by the Joint Legislative Audit Committee.

#### VI. REQUIRED DATE OF COMPLETION

Assemblymember Hernández did not request a completion date for this audit.

Elaine M. Howle\_
ELAINE M. HOWLE, CPA

**State Auditor** 

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ROGER HERNÁNDEZ
ASSEMBLYMEMBER, FORTY-EIGHTH DISTRICT
CHAIR, COMMITTEE ON LABOR AND EMPLOYMENT

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May 17, 2013

Honorable Adam C. Gray Chair Joint Legislative Audit Committee 1020 N Street, Room 107 Sacramento, CA 95814

2013-116

RE: LA County Measure B funds

I am writing to respectfully request that the Joint Legislative Audit Committee undertake a comprehensive audit of how the County of Los Angeles has managed Measure B Funds over the past four years (2008-2012).

In 2002, LA County voters passed Measure B, an initiative to fund trauma, emergency services, and bioterrorism preparedness. This tax was collected along with the property taxes and assessed, not on the value of the property, but on a basis of a 3¢/square foot of building improvements.

Since the passing of Measure B, funds have not been allocated equitably. It has been my understanding that these funds were to help the County address issues of emergency room overcrowding and response to fund trauma centers. For the fiscal year of 2012, Measure B total voter approved taxes totaled approximately \$256 million dollars. The LA County Board of Supervisors has allocated \$194.1 million to County hospitals and \$39.9 million to non-County hospitals.

For areas that are underserved, like the East San Gabriel Valley the amount allocated to this region is less than what residents are being taxed. The County of Los Angeles, determines underserved areas to be areas that do not have adequate access to infrastructure for trauma transports. During the fiscal year of 2011-2012, the board of Supervisors identified that Antelope Valley, East San Gabriel Valley, San Fernando Valley, and Malibu were underserved areas. They allocated \$4.4 million dollars to trauma access expansion to these areas.

However, the San Gabriel Valley, since 2005 has been requesting a review of these funds allocated to their region. The San Gabriel Council of Governments established a COG Trauma Care Taskforce in 2004 to address their concerns with the Department of Health Services. As a result, Los Angeles County Supervisors Molina and Antonovich recognized the lack of trauma care and on Tuesday, September 27, 2005, they passed a motion to place 24 hours a day, 7 days a week helicopter service located in the East San Gabriel Valley starting on January 1, 2006. The motion also established LAC+USC Medical Center as the designated Trauma Care facility for the East San



Gabriel Valley, changing the old policy of utilizing any open and available Trauma Center in Los Angeles County.

The establishment of this policy and implementing a trauma care system in the form of helicopter and air paramedic services has not been enough. There still is an enormous gap in services to the communities that are underserved which has resulted in ambulance diversion and emergency room overcrowding. According to the County of Los Angeles, of the \$256 million dollars that the county received in property taxes for the fiscal year of 2011-2012, the San Gabriel Valley paid \$47 million. This is nearly 20% of the county's total.

However, Los Angeles County has only allocated 1% of the funds to the San Gabriel Valley. This consisted of \$500,000, mostly for access to a helicopter.

The San Gabriel Valley is just one example of the inequalities that are associated with allocation and expenditures of these funds.

I respectfully request that the Joint Legislative Audit Committee undertake a thorough review of how the County of Los Angeles has managed the Measure B funds including, but not limited to:

- To determine how decisions are made regarding the management and expenditure of measure b fund monies, at a minimum, identify the organizational structure in which the decision on how much money to allocate and expend for services in the entire county of Los Angeles.
- For each of the past four years, how much money has been allocated and expended in underserved areas without trauma centers?
- What else is the county doing to mitigate the difference in amounts of money expended in underserved areas without trauma centers? Are there any proposals from the county to expand services?
- Determine for each of the past four years, the use of helicopter and air paramedic services in underserved areas without trauma centers (i.e. how often have these services been utilized? Under what circumstances?)
- Determine for each of the past four years, the amount of Measure B fund balances and the rationale behind the amount of the balance.
- Explore other solutions that can be made by Los Angeles County to solve inequities in funding allocation and expenditures.

I firmly believe that a thorough audit of how Los Angeles County has managed Measure B funds will provide legislators with the insight needed to determine what, if any, adjustments need to be made to ensure that the County is fulfilling its obligations to its residents. If you have any questions please do not hesitate to contact my staff on this matter, Cheye-Ann Corona, at 916-319-2048. Thank you for your consideration.

Sincerely,

ROGER HERNÁNDEZ

Assemblymember, 48<sup>th</sup> District